

INTERIOR BOARD of LAND APPEALS

PRESENTATION TO: OFFICE OF ENVIRONMENTAL POLICY COMPLIANCE

JUNE 2, 2016

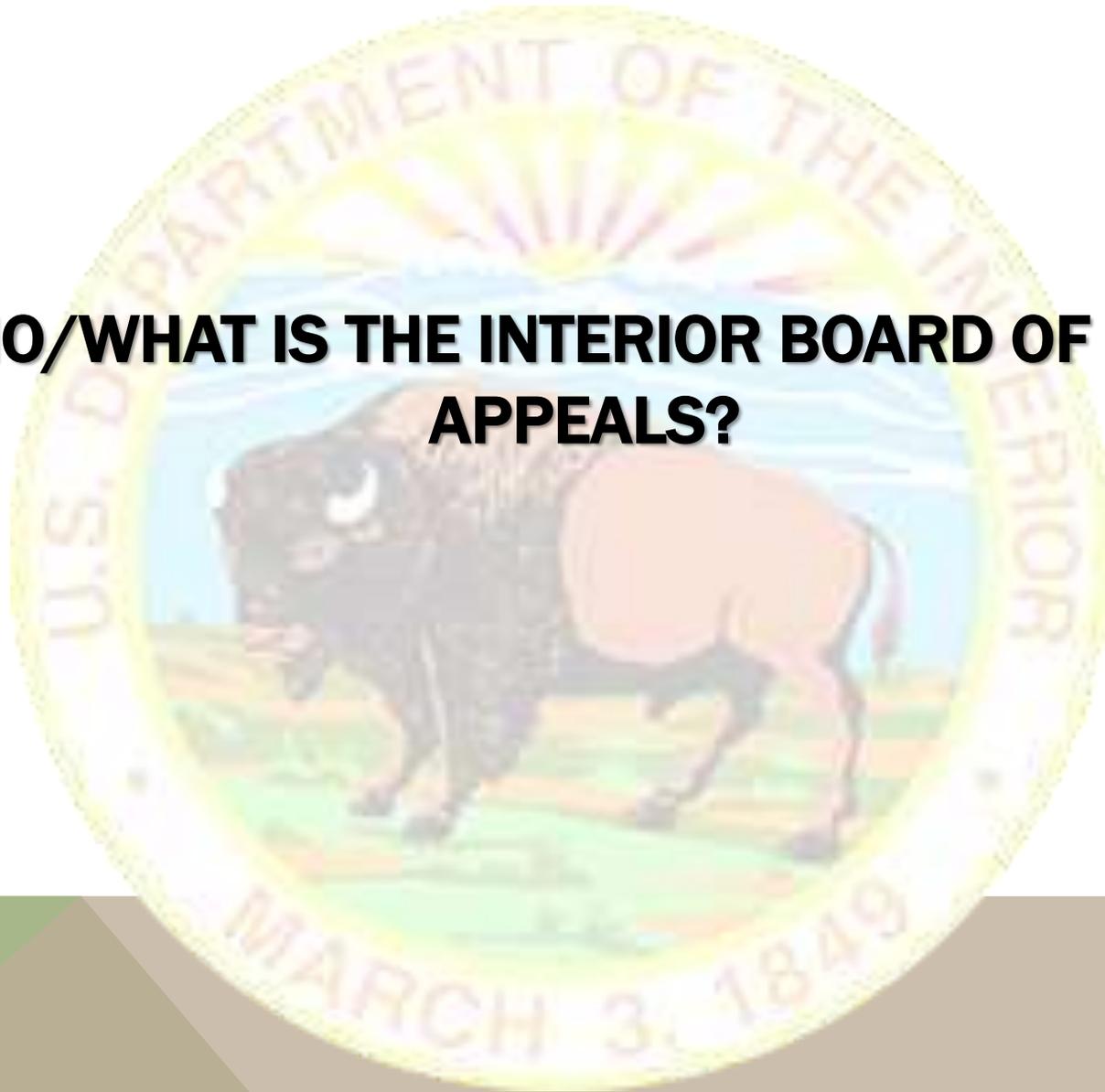


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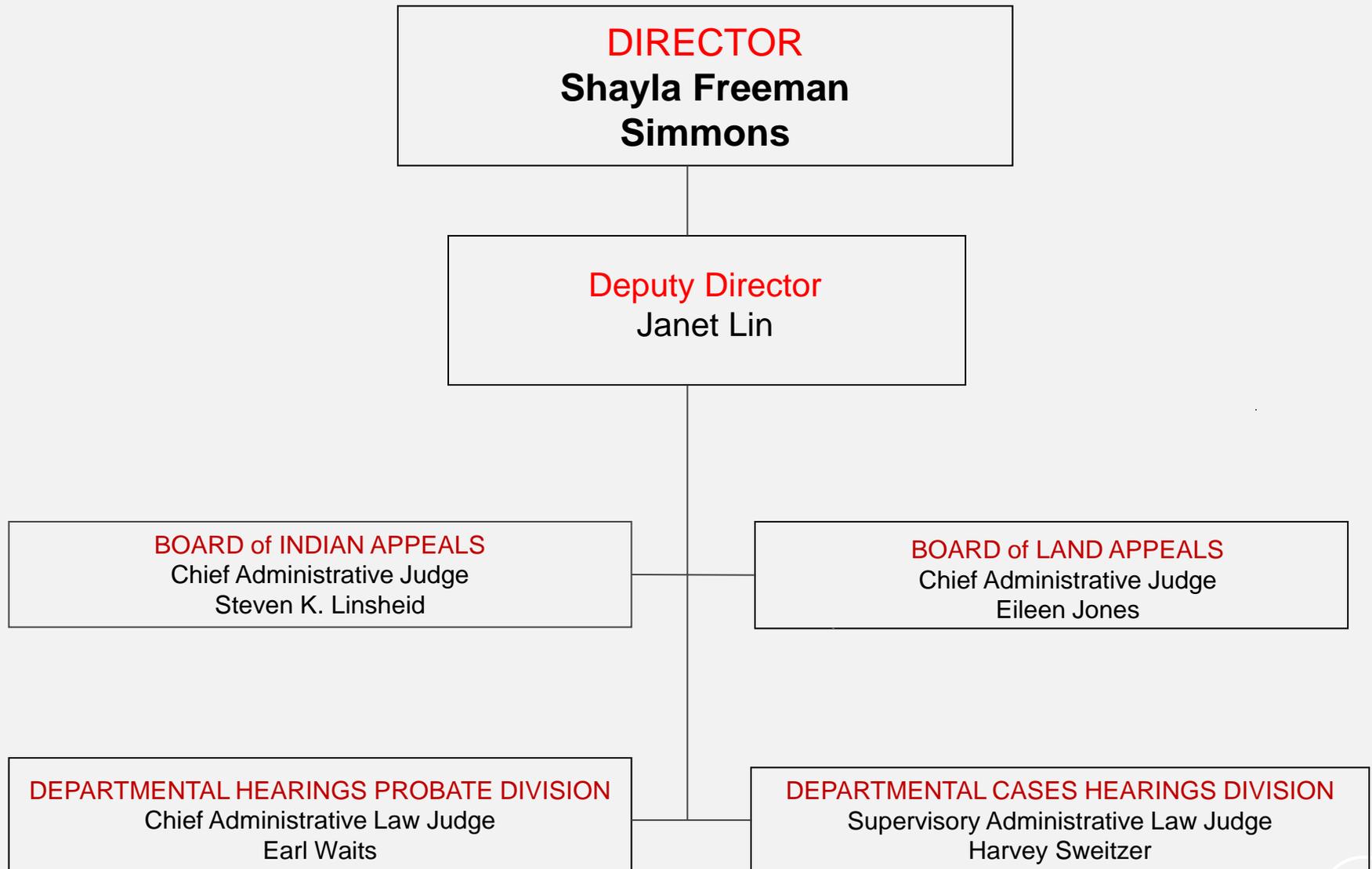
CHIEF ADMINISTRATIVE JUDGE EILEEN JONES

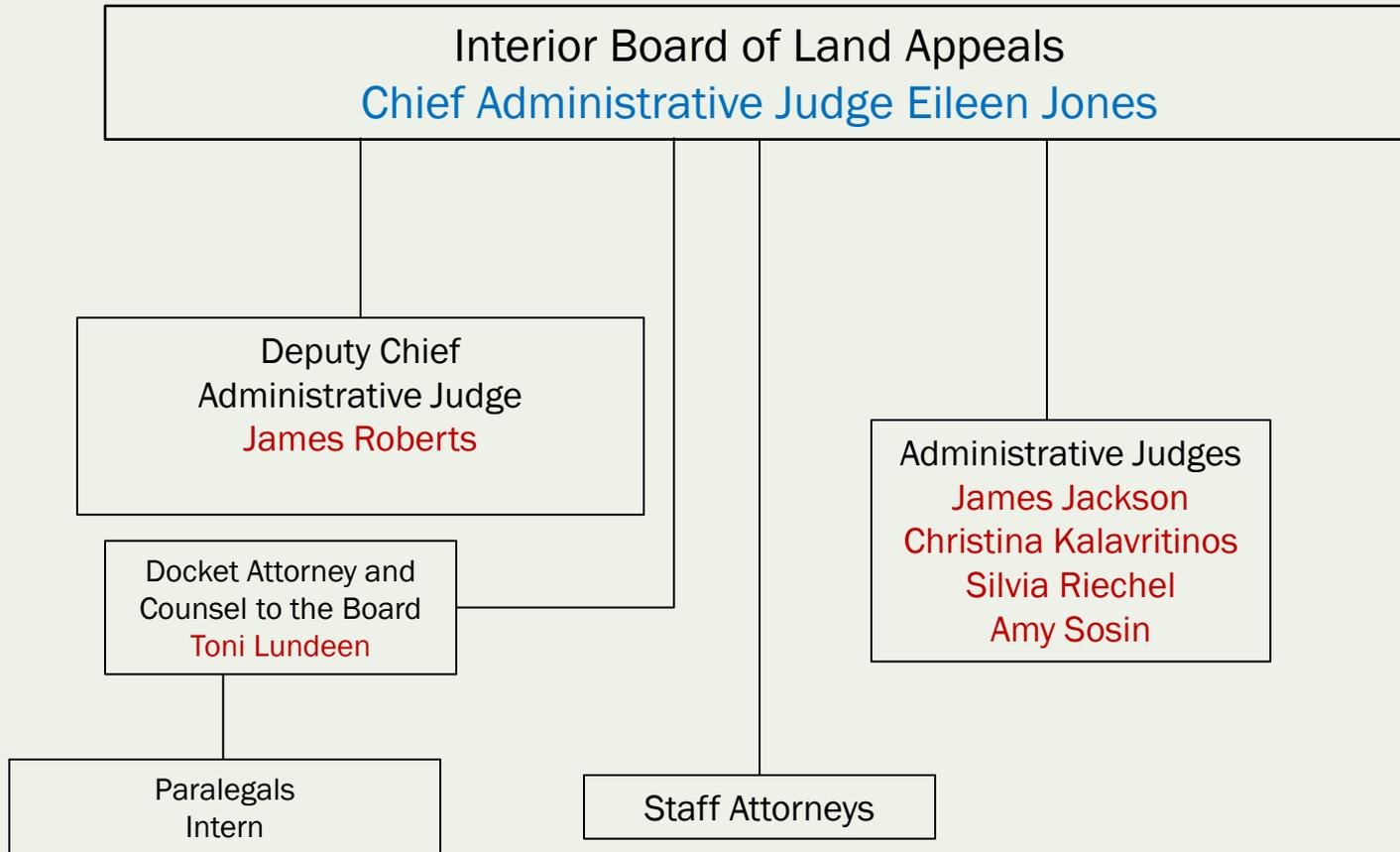
DOCKET ATTORNEY TONI LUNDEEN

WHO/WHAT IS THE INTERIOR BOARD OF LAND APPEALS?



OFFICE OF HEARINGS AND APPEALS





PUBLIC LAND LAW

The Board adjudicates appeals from decisions issued by:

- Bureau of Land Management
- Office of Natural Resources Revenue
- Bureau of Ocean Energy Management
- Bureau of Safety and Environmental Enforcement
- Office of Surface Mining and Reclamation

The Board has no jurisdiction over decisions issued by

- National Park Service
- Fish and Wildlife Service
- Bureau of Reclamation
- Bureau of Indian Affairs



The Board is governed by own set of regulations, beginning at 43 Code of Federal Regulations § 4.1.

Highlights:

- Appeal if adversely affected by an agency final decision
- Office that issued the decision must give us original record
- Representation by SOL possible
- Oral argument possible
- End product: Written decision within 30 days+
- Final decisionmaker for Department

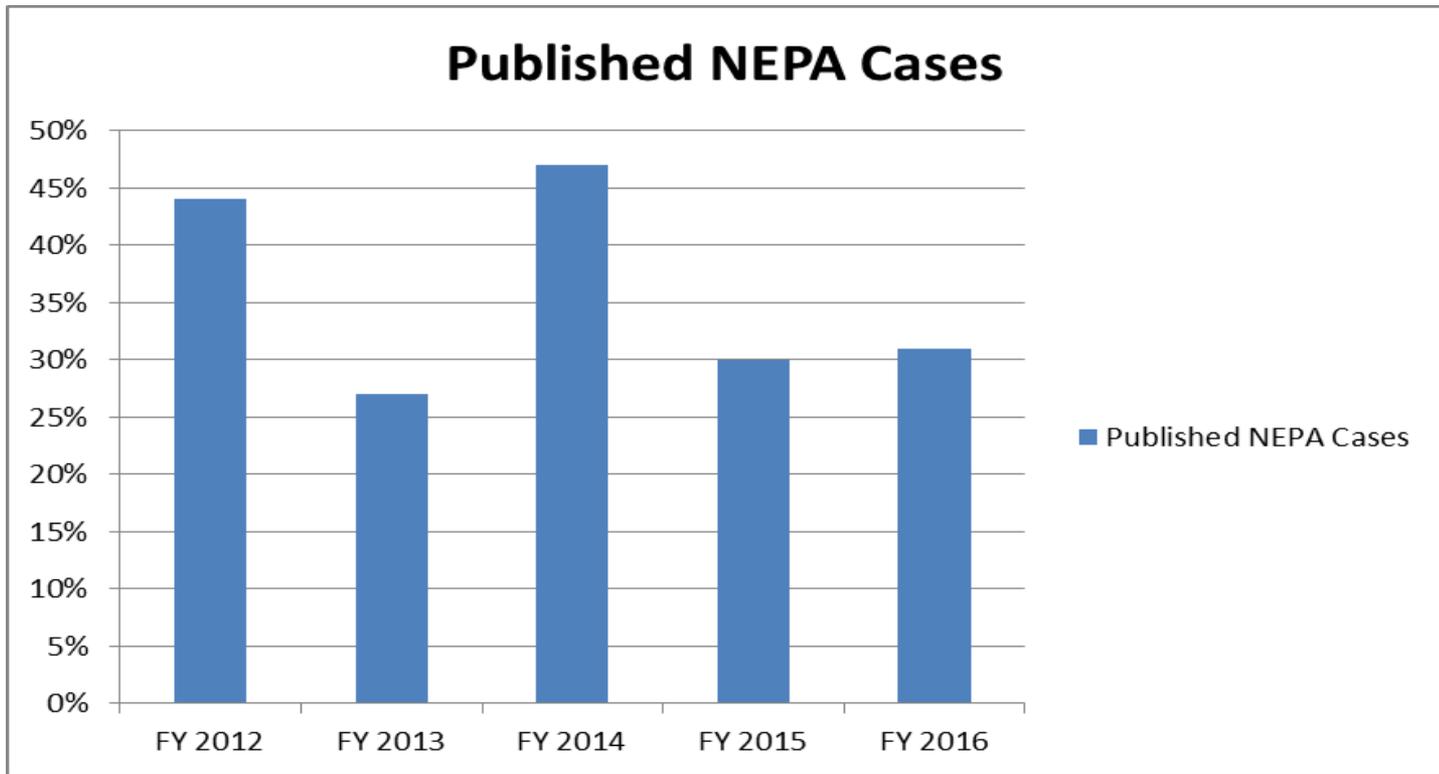


The National Environmental Policy Act

And the Board's Role



NEPA STATS:



SUBJECT MATTER OF NEPA CASES

Oil and Gas Lease Sales

Applications for Permits to Drill Oil
and Gas Wells

Right of Way Applications

Timber Sales

Grazing

Fire Management

Vegetation Management



NEPA REQUIREMENTS

Under NEPA, the Department must consider

- the potential environmental impacts of a proposed action that significantly affects the quality of the human environment.
- The Department can determine that the project will or won't have a significant impact on the human environment.
- NEPA analysis is about disclosure, not results.



TYPES OF NEPA DOCUMENTS ON APPEAL

- The Department can prepare an environmental assessment (EA) or an environmental impact statement (EIS).
- An appellant appeals from the decision record corresponding to an EA.
- An appellant appeals from a record of decision corresponding to an EIS.
- Appellant bears the burden to show error in the agency's analysis.



APPELLANTS

Appellants Are Typically Environmental Groups that Want to Stop Development.

They most often argue that the agency failed to

- consider a reasonable range of alternatives
- analyze direct, indirect, and cumulative effects

They are mainly concerned with how the proposed action will affect

- climate change
- air and water quality
- sensitive and listed species
- cultural and visual resources



FINDING BOARD DECISIONS RELATED TO NEPA

[HTTPS://WWW.OHA.DOI.GOV:8080/INDEX.HTML](https://www.oha.doi.gov:8080/index.html)



U.S. Department of the Interior

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Office of Hearing and Appeals > Search Decisions

Office of Hearing and Appeals

Search Database

This web site uses ISYS, indexing software that assists you in searching for cases decided by the Office of Hearing and Appeals and other Department of the Interior authorities. ISYS displays a decision in portable document format (PDF).

How Are Decisions Organized?

Decisions and other reference materials are grouped into databases, e.g., "A" and "M" Decisions (1920-1970), IBIA Decisions (1970-Present), and IBLA Decisions (1970-Present). Each search page has a list showing the different databases available.

Note that while the decisions in most of the databases are precedential and may be cited as authority in future cases, decisions of the Hearings Divisions are not.

What Are My Search Options?

There are four ways to search a database. The most basic is the Quick Search option to the right on this page. Simply enter the term you wish to search for, select the database you wish to search from the drop-down list, and hit the "Enter" key on your keyboard. Note that, if you search on the term *mining claim* (without quotation marks), ISYS will find any case that contains the word *mining* and also the word *claim*, whether the two words are together or not. If you search on the term "*mining claim*" (with quotation marks), ISYS will find any case that contains the phrase *mining claim*.

Three other search options are available. The most user friendly is the Menu Assisted query. This query page combines most of the ISYS query tools on one easy-to-use page. The Natural Language query, as its name implies, uses a simple statement or sentence as a platform to query and retrieve database matches. The Advanced Search query allows users who are familiar with ISYS search language to customize individual searches. To assist users with the different ISYS query tools, Help pages are provided to the right on this page.

May I Search More Than One Database Simultaneously?

Yes. The Advanced Search query, Menu Assisted query, and Natural Language query options allow you to search multiple databases at the same time by checking the box next to each database that you wish to search. However, due to formatting differences from one database to another, the display of search results may be more useful if you run your search separately for each database.

Please input your search criteria in the box below.

Quick Search: Search for

in

Search Options

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Help Pages

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CONCLUSION

SUMMARY OVERVIEW

- 36% of the Board's yearly caseload is NEPA related.
- Mainly environmental groups appeal NEPA-related determinations.
- The appellant has the burden to show that the agency did not comply with NEPA.
- The Board relies on agency experts when reviewing environmental analyses.

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with questions or for more information